24653. Adulteration and misbranding of solution citrate of magnesia. U. S. v. Smith-Faus Drug Co. Plea of guilty. Fine, $26. (F. & D. no. 33946. Sample no. 48001–A.)

This case was based on a shipment of solution citrate of magnesia which fell below the standard laid down in the United States Pharmacopoeia, and which was not labeled to indicate its own standard of strength, quality, and purity. The product was also short volume.

On March 30, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Smith-Faus Drug Co., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about April 17, 1934, from the State of Utah into the State of Nevada of a quantity of solution citrate of magnesia which was adulterated and misbranded. The article was labeled in part: "Apex 12 Fl. Oz. * * * Citrate of Magnesia U. S. P. * * * Smith-Faus Drug Co. Salt Lake City, Utah."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in that authority, in that it contained less than 1.5 grams, namely, not more than 1.24 grams of magnesium oxide per 100 cubic centimeters; less than 9.5 cubic centimeters, namely, not more than 9.2 cubic centimeters of half-normal sodium hydroxide was required to neutralize the excess acid in 10 cubic centimeters of the article, and less than 28 cubic centimeters, namely, not more than 22.9 cubic centimeters of half-normal sulphuric acid was required to neutralize the ash obtained from 10 cubic centimeters of the article; whereas the pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters, magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide; that 10 cubic centimeters of the solution shall require not less than 9.5 cubic centimeters of half-normal sodium hydroxide for neutralization of the excess acid, and that not less than 28 cubic centimeters of half-normal sulphuric acid shall be required to neutralize the ash obtained from 10 cubic centimeters of the solution, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to be solution citrate of magnesia which conformed to the test laid down in the United States Pharmacopoeia, whereas it did not conform to the test laid down in that authority. Misbranding was alleged for the reason that the statements, "Solution Citrate of Magnesia U. S. P." and "12 Fl. Oz.", borne on the bottle label, were false and misleading, since the article was not solution citrate of magnesia which conformed to the standard laid down in the United States Pharmacopoeia; and each of the said bottles did not contain 12 ounces of the article, but did contain a less amount.

On April 13, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $26.

W. R. Gregg, *Acting Secretary of Agriculture.*

24654. Misbranding of McClellan's Orthosol and McClellan's Sheep Dip. U. S. v. McClellan Products, Ltd. Plea of nolo contendere. Defendant placed on probation for two years. (F. & D. no. 33954. Sample nos. 60380–A, 60381–A.)

This case was based on interstate shipments of Orthosol and Sheep Dip which were misbranded, the labeling of the former containing false and misleading antiseptic claims, and that of the latter containing false and fraudulent curative and therapeutic claims.

On May 15, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against McClellan Products, Ltd., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 16 and March 3, 1934, from the State of California into the State of Oregon of quantities of McClellan's Orthosol and McClellan's Sheep Dip which were misbranded.

Analysis of the Orthosol showed that it consisted of soap, water, tar acids, and glycerin. Bacteriological examination showed that it would not be antiseptic for insect bites and stings, and that it would not be an antiseptic when used as a douche or injection at the dilutions recommended. Analysis of the Sheep Dip showed that it consisted of soap, water, coal-tar neutral oils, and phenols.